

HOUSE BILL No. 1600

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-18.7; IC 12-23; IC 31-34-8-9; IC 31-37-9-10; IC 31-40-2; IC 33-23-14; IC 33-29-1-7; IC 33-33; IC 33-37; IC 33-40-3; IC 35-33-8-3.3; IC 35-38-2-1.

Synopsis: County court fund. Requires a county to deposit court fees and other revenue in a county court fund instead of the county general fund. Provides that the court fund is otherwise funded by county property taxes and miscellaneous revenue. Directs the county to pay from the court fund certain costs related to court operations. Repeals the county user fee fund, the jury pay fund, and the county supplemental public defender services fund.

Effective: January 1, 2008; January 1, 2009.

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January 23, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1600

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-18.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2008]:

4 **Chapter 18.7. County Court Fund**

5 **Sec. 1. Each county shall establish a court fund on January 1,**
6 **2009, to be funded by the following:**

7 (1) Ad valorem property taxes collected after December 31,
8 2008.

9 (2) The court fund's share of distributions after December 31,
10 2008, of revenue from sources other than ad valorem property
11 taxes that are made to county funds based on the
12 proportionate amounts of ad valorem property taxes
13 deposited in those funds.

14 (3) Fees paid after December 31, 2008, that were imposed for
15 the payment of court costs as described in section 2 of this
16 chapter and that before January 1, 2009, were deposited in
17 any of the following:



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(A) The county general fund.

(B) The county fund established by IC 33-37-8-5 (repealed).

(C) The jury pay fund established by IC 33-37-11-2 (repealed).

Sec. 2. (a) Beginning with the county budget for 2009, the county fiscal body shall make appropriations from the court fund to pay the county's share of all court costs for each circuit, superior, probate, and county court in the county that are not paid from the family and children's fund established under IC 12-19-7-3. A county's share of court costs includes the following:

(1) Paying judges' salaries and office expenses.

(2) Paying court personnel costs and operating expenses.

(3) Providing adult probation.

(4) Providing juvenile probation.

(5) Providing public defenders.

(6) Supplementing juror fees.

(7) Providing court established alcohol and drug services programs.

(8) Paying the county's share of community corrections expenses.

(9) Paying the salaries of deputy prosecuting attorneys, except for:

(A) the salary of the chief deputy prosecuting attorney; and

(B) the salaries of deputy prosecuting attorneys employed in the Title IV-D program.

(10) Paying pension trust payments for a pension trust established under IC 36-8-10.

(b) A county's share of court costs does not include paying the following:

(1) Jail costs and operating expenses.

(2) The costs of providing juvenile detention.

Sec. 3. (a) The department of local government finance may adopt rules under IC 4-22-2 to govern:

(1) which classes of expenditures are payable from a court fund under this chapter; and

(2) which classes of court related fees must be deposited in the court fund.

(b) Rules adopted under this section must promote statewide uniformity in the implementation of this chapter.

SECTION 2. IC 12-23-14-14 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 14. (a) The costs of an alcohol and drug services program established under this chapter shall be paid:

(1) **by a city** out of the city general fund ~~or the county general fund~~ and may be supplemented by payment from the ~~user fee city~~ fund **established under IC 33-37-8-3** upon appropriation made under IC 33-37-8; or

(2) **by a county:**

(A) **before January 1, 2009, out of the county general fund and may be supplemented by payment from the county fund established under IC 33-37-8-5; and**

(B) **after December 31, 2008, out of the county court fund established under IC 6-1.1-18.7.**

(b) The court shall fix the compensation of employees and contractors.

SECTION 3. IC 12-23-14.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. (a) The costs of a drug court established **by a city** under this chapter may, at the discretion of the fiscal body of the ~~unit, city,~~ be supplemented out of the city general fund ~~or the county general fund~~ and may be further supplemented by payment from the ~~user fee city~~ fund **established under IC 33-37-8-3** upon appropriation made under IC 33-37-8.

(b) **The costs of a drug court established by a county under this chapter may, at the discretion of the fiscal body of the county, be supplemented:**

(1) **before January 1, 2009, out of the county general fund and may be further supplemented by payment from the county fund established under IC 33-37-8-5 upon appropriation made under IC 33-37-8; and**

(2) **after December 31, 2008, out of the county court fund established under IC 6-1.1-18.7.**

~~(b)~~ (c) The court shall fix the compensation of employees of the drug court.

SECTION 4. IC 12-23-14.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) A court that has established a drug court under this chapter may require an eligible individual to pay a fee for drug court services.

(b) If a fee is required, the court shall adopt by court rule a schedule of fees to be assessed for drug court services.

(c) The fee for drug court services may not exceed five hundred dollars (\$500) per referral to the drug court.

(d) The clerk of the court shall collect fees under this section. The

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clerk shall transmit the fees within thirty (30) days after the fees are collected ~~for deposit by to the county auditor or city fiscal officer.~~ **The city fiscal officer shall deposit fees transmitted under this subsection** in the appropriate user fee city fund established under ~~IC 33-37-8.~~ **IC 33-37-8-3. Before January 1, 2009, the county auditor shall deposit fees transmitted under this subsection in the county fund established under IC 33-37-8-5. After December 31, 2008, the county auditor shall deposit fees transmitted under this subsection in the county court fund established under IC 6-1.1-18.7.**

SECTION 5. IC 31-34-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. (a) The probation department for the juvenile court shall:

- (1) collect the informal adjustment program fee set by section 8 of this chapter; and
- (2) transfer the collected informal adjustment program fees to the county auditor not later than thirty (30) days after the fees are collected.

(b) **Before January 1, 2009**, the county auditor shall deposit the fees in the county user fee fund established by IC 33-37-8-5. **After December 31, 2008, the county auditor shall deposit the fees in the county court fund established under IC 6-1.1-18.7.**

SECTION 6. IC 31-37-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. (a) The probation department for the juvenile court shall do the following:

- (1) Collect the informal adjustment program fee set under section 9 of this chapter; and
- (2) Transfer the collected informal adjustment program fees to the county auditor not later than thirty (30) days after the fees are collected.

(b) The county auditor shall deposit the fees in:

- (1) before January 1, 2009**, the county ~~user fee~~ fund established by IC 33-37-8-5; **and**
- (2) after December 31, 2008, the county court fund established under IC 6-1.1-18.7.**

SECTION 7. IC 31-40-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) Subject to IC 31-40-1-3, a juvenile court may order each delinquent child who receives supervision under IC 31-37-19 or the child's parent, guardian, or custodian to pay to either the probation department or the clerk of the court:

- (1) an initial probation user's fee of at least twenty-five dollars

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- (25) but not more than one hundred dollars (\$100);
- (2) a probation user's fee of at least ten dollars (\$10) but not more than twenty-five dollars (\$25) for each month the child receives supervision; and
- (3) an administrative fee of one hundred dollars (\$100) if the delinquent child is supervised by a juvenile probation officer.

(b) If a clerk of a court collects a probation user's fee, the clerk:

- (1) may keep not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2; and

- (2) if requested to do so by the county auditor, city fiscal officer, or town fiscal officer under clause (A), (B), or (C), transfer not more than three percent (3%) of the fee to the:

- (A) county auditor who shall deposit the money transferred under this subdivision into the county general fund;

- (B) city general fund when requested by the city fiscal officer; or

- (C) town general fund when requested by the town fiscal officer.

(c) The probation department or clerk shall collect the administrative fee under subsection (a)(3) before collecting any other fee under subsection (a). The probation department or the clerk shall deposit the probation user's fees and the administrative fees paid under subsection (a):

- (1) before January 1, 2009, into the county supplemental juvenile probation services fund; and**

- (2) after December 31, 2008, into the county court fund established under IC 6-1.1-18.7.**

(d) In addition to other methods of payment allowed by law, a probation department may accept payment of fees required under this section and section 1.5 of this chapter by credit card (as defined in IC 14-11-1-7). The liability for payment is not discharged until the probation department receives payment or credit from the institution responsible for making the payment or credit.

(e) The probation department may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or charged directly to the probation department's account, the probation department may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the money the

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probation department is required to collect under subsection (a).

(f) The probation department shall deposit the credit card service fees collected under subsection (e) into the county supplemental juvenile probation services fund. These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 8. IC 33-23-14-10, AS ADDED BY P.L.60-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. (a) The funds for a reentry court established **by a city** under this chapter may, at the discretion of the fiscal body of the ~~unit for which the reentry court is established;~~ **city**, be supplemented out of the city general fund ~~or the county general fund~~ and may be further supplemented by payment from the ~~user fee~~ **city** fund **established under IC 33-37-8-3** upon appropriation made under IC 33-37-8.

(b) The costs of a reentry court established by a county under this chapter may, at the discretion of the fiscal body of the county, be supplemented:

(1) before January 1, 2009, out of the county general fund and may be further supplemented by payment from the county fund established under IC 33-37-8-5 upon appropriation made under IC 33-37-8; and

(2) after December 31, 2008, out of the county court fund established under IC 6-1.1-18.7.

~~(b)~~ (c) Subject to the approval of the county fiscal body, the court shall fix the compensation of employees of the reentry court.

SECTION 9. IC 33-23-14-12, AS ADDED BY P.L.60-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) A court that establishes a reentry court under this chapter may require an eligible individual to pay a fee for reentry court services.

(b) If a fee is required, the court shall adopt by court rule a schedule of fees to be assessed for reentry court services.

(c) The fee for reentry court services may not exceed the reasonable expenses for direct services to an individual incurred in providing reintegration services to an individual under the supervision of a reentry court. The fee for reentry court services may be assessed in installments.

(d) The clerk of the court shall collect fees under this section. The clerk shall transmit the fees within thirty (30) days after the fees are collected ~~for deposit by~~ **to** the county auditor or **city** fiscal officer. **The city fiscal officer shall deposit fees transmitted under this**

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subsection in the ~~appropriate user fee city fund established under IC 33-37-8.~~ **IC 33-37-8-3. Before January 1, 2009, the county auditor shall deposit fees transmitted under this subsection in the county fund established under IC 33-37-8-5. After December 31, 2008, the county auditor shall deposit fees transmitted under this subsection in the county court fund established under IC 6-1.1-18.7.**

SECTION 10. IC 33-29-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. (a) The county executive for the county in which the standard superior court is located shall provide and maintain:

- (1) a suitable courtroom;
- (2) furniture and equipment; and
- (3) other rooms and facilities;

necessary for the operation of the court.

(b) The county fiscal body shall appropriate sufficient funds:

(1) before January 1, 2009, out of the county general fund; and

(2) after December 31, 2008, out of the county court fund established under IC 6-1.1-18.7;

for the provision and maintenance of the items described in subdivisions ~~(1)~~ **subsection (a)(1)** through ~~(3)~~ **(a)(3)**.

SECTION 11. IC 33-33-27.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) The Grant superior court No. 2 shall hold its sessions in a place to be determined by the county council of Grant County.

(b) The board of county commissioners of Grant County shall provide and maintain in the courthouse a suitable and convenient courtroom for the holding of court, together with a suitable and convenient jury room and offices for the judge and the official court reporter.

(c) The board of county commissioners shall provide all necessary furniture and equipment for the rooms and offices of the court and all necessary dockets, books, and records for the court. The county council shall make the necessary appropriations from:

(1) before January 1, 2009, the general fund of the county; and

(2) after December 31, 2008, the county court fund established under IC 6-1.1-18.7;

to carry out this chapter.

SECTION 12. IC 33-33-79.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) Superior court No. 2 of Tippecanoe County shall hold sessions in a place to be

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determined by the county council of Tippecanoe County.

(b) The board of county commissioners of Tippecanoe County shall provide and maintain in the courthouse or at another convenient place as the board of commissioners or the judge of the court may provide at the county seat:

(1) a suitable and convenient courtroom for the holding of court; and

(2) a suitable and convenient jury room and offices for the judge and the official court reporter.

(c) The board of county commissioners shall provide all necessary furniture and equipment for the rooms and offices of the court and all necessary dockets, books, and records for the court.

(d) The county council shall make the necessary appropriations from:

(1) before January 1, 2009, the general fund of the county; and

(2) after December 31, 2008, the county court fund established under IC 6-1.1-18.7;

for the purpose of carrying out this chapter.

SECTION 13. IC 33-33-89.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. (a) The Wayne superior court No. 2 shall hold its sessions in a place to be determined by the county council of Wayne County.

(b) The board of county commissioners of Wayne County:

(1) shall provide and maintain in the courthouse:

(A) a suitable and convenient courtroom for the holding of court; and

(B) a suitable and convenient jury room and offices for the judge and the official court reporter; and

(2) shall provide all necessary furniture and equipment for the rooms and offices of the court and all necessary dockets, books, and records for the court.

(c) The county council shall make the necessary appropriations from:

(1) before January 1, 2009, the general fund of the county; and

(2) after December 31, 2008, the county court fund established under IC 6-1.1-18.7;

for the purpose of carrying out this chapter.

SECTION 14. IC 33-33-89.3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) The court shall hold its sessions in a place to be determined and provided by the county council of Wayne County.

(b) The board of county commissioners of Wayne County:

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(1) shall provide and maintain in the courthouse a suitable and convenient courtroom for holding the court and suitable and convenient jury room and offices for the judge, official court reporter, and staff of the court; and

(2) shall provide all necessary furniture and equipment for the rooms, offices, and employees of the court and all necessary dockets, books, and records for the court.

(c) The county council shall make all **the** necessary appropriations from:

- (1) before January 1, 2009, the general fund of the county; and**
- (2) after December 31, 2008, the county court fund established under IC 6-1.1-18.7;**

for the purpose of carrying out this chapter.

SECTION 15. IC 33-37-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) When the court imposes costs, it shall conduct a hearing to determine whether the convicted person is indigent. If the person is not indigent, the court shall order the person to pay:

- (1) the entire amount of the costs at the time sentence is pronounced;
- (2) the entire amount of the costs at some later date; or
- (3) specified parts of the costs at designated intervals.

(b) Upon any default in the payment of the costs:

- (1) an attorney representing the county may bring an action on a debt for the unpaid amount; or
- (2) the court may direct that the person, if the person is not indigent, be committed to the county jail and credited toward payment at the rate of twenty dollars (\$20) for each twenty-four (24) hour period the person is confined, until the amount paid plus the amount credited equals the entire amount due.

(c) If, after a hearing under subsection (a), the court determines that a convicted person is able to pay part of the costs of representation, the court shall order the person to pay an amount of not more than the cost of the defense services rendered on behalf of the person. The clerk shall deposit the amount paid by a convicted person under this subsection in the ~~county's supplemental public defender services~~ **county court** fund established under ~~IC 33-40-3-1~~ **IC 6-1.1-18.7**.

(d) A person ordered to pay part of the cost of representation under subsection (c) has the same rights and protections as those of other judgment debtors under the Constitution of the State of Indiana and Indiana law.

SECTION 16. IC 33-37-4-1, AS AMENDED BY P.L.176-2005,

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SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).
- (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (7) A child abuse prevention fee (IC 33-37-5-12).
- (8) A domestic violence prevention and treatment fee (IC 33-37-5-13).
- (9) A highway work zone fee (IC 33-37-5-14).
- (10) A deferred prosecution fee (IC 33-37-5-17).
- (11) A document storage fee (IC 33-37-5-20).
- (12) An automated record keeping fee (IC 33-37-5-21).
- (13) A late payment fee (IC 33-37-5-22).
- (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- (15) A public defense administration fee (IC 33-37-5-21.2).
- (16) A judicial insurance adjustment fee (IC 33-37-5-25).
- (17) A judicial salaries fee (IC 33-37-5-26).
- (18) A court administration fee (IC 33-37-5-27).
- (19) A DNA sample processing fee (IC 33-37-5-26.2).

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the

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fees are collected:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

The ~~auditor or city or town~~ fiscal officer shall deposit fees transferred under this subsection in the ~~appropriate user fee city or town~~ fund established under ~~IC 33-37-8~~. **IC 33-37-8-3. Before January 1, 2009, the county auditor shall deposit fees transferred under this subsection in the county fund established under IC 33-37-8-5. After December 31, 2008, the county auditor shall deposit fees transferred under this subsection in the county court fund established under IC 6-1.1-18.7.**

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) The clerk shall apply the partial payment to general court costs.
- (2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in:

(A) before January 1, 2009, the ~~appropriate county user fee~~ fund established under IC 33-37-8-5; and

(B) after December 31, 2008, the county court fund established under IC 6-1.1-18.7.

(3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.

(4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.

(5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 17. IC 33-37-4-2, AS AMENDED BY P.L.176-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

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the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (5) A highway work zone fee (IC 33-37-5-14).
- (6) A deferred prosecution fee (IC 33-37-5-17).
- (7) A jury fee (IC 33-37-5-19).
- (8) A document storage fee (IC 33-37-5-20).
- (9) An automated record keeping fee (IC 33-37-5-21).
- (10) A late payment fee (IC 33-37-5-22).
- (11) A public defense administration fee (IC 33-37-5-21.2).
- (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- (13) A judicial salaries fee (IC 33-37-5-26).
- (14) A court administration fee (IC 33-37-5-27).
- (15) A DNA sample processing fee (IC 33-37-5-26.2).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

- (1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (3) The deferral program fee (subsection (e)).

The ~~auditor or city or town~~ fiscal officer shall deposit the fees in the ~~user fee city or town~~ fund established under ~~IC 33-37-8~~. **IC 33-37-8-3. Before January 1, 2009, the county auditor shall deposit fees transferred under this subsection in the county fund established under IC 33-37-8-5. After December 31, 2008, the county auditor shall deposit fees transferred under this subsection in the county court fund established under IC 6-1.1-18.7.**

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

- (1) The defendant was charged with an ordinance violation subject to IC 33-36.

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(2) The defendant denied the violation under IC 33-36-3.

(3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).

(4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars (\$52); and

(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

SECTION 18. IC 33-37-4-3, AS AMENDED BY P.L.176-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

(1) IC 31-34 (children in need of services).

(2) IC 31-37 (delinquent children).

(3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A marijuana eradication program fee (IC 33-37-5-7).

(3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

(4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(5) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(6) A document storage fee (IC 33-37-5-20).

(7) An automated record keeping fee (IC 33-37-5-21).

(8) A late payment fee (IC 33-37-5-22).

(9) A public defense administration fee (IC 33-37-5-21.2).

(10) A judicial insurance adjustment fee (IC 33-37-5-25).

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(11) A judicial salaries fee (IC 33-37-5-26).

(12) A court administration fee (IC 33-37-5-27).

(13) A DNA sample processing fee (IC 33-37-5-26.2).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

(1) The marijuana eradication program fee (IC 33-37-5-7).

(2) The alcohol and drug services program user fee (IC 33-37-5-8(b)).

(3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The ~~auditor or city or town~~ fiscal officer shall deposit the fees in the ~~appropriate user fee city or town~~ fund established under ~~IC 33-37-8-3~~. **Before January 1, 2009, the county auditor shall deposit fees transferred under this subsection in the county fund established under IC 33-37-8-5. After December 31, 2008, the county auditor shall deposit fees transferred under this subsection in the county court fund established under IC 6-1.1-18.7.**

SECTION 19. IC 33-37-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 19. (a) The clerk shall collect a jury fee of two dollars (\$2) in each action in which a defendant is found to have:

(1) committed a crime;

(2) violated a statute defining an infraction; or

(3) violated an ordinance of a municipal corporation.

(b) The fee collected under this section shall be deposited:

(1) **before January 1, 2009**, into the county ~~user fee~~ fund established by IC 33-37-8-5; **and**

(2) **after December 31, 2008, into the county court fund established under IC 6-1.1-18.7.**

SECTION 20. IC 33-37-7-8, AS AMENDED BY P.L.174-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(b) **Subject to subsection (j)**, the city or town fiscal officer shall

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1 distribute monthly to the county auditor as the county share twenty
2 percent (20%) of the amount of fees collected under the following:

- 3 (1) IC 33-37-4-1(a) (criminal costs fees).
- 4 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 5 (3) IC 33-37-4-4(a) (civil costs fees).
- 6 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 7 (5) IC 33-37-5-17 (deferred prosecution fees).

8 (c) The city or town fiscal officer shall retain twenty-five percent
9 (25%) as the city or town share of the fees collected under the
10 following:

- 11 (1) IC 33-37-4-1(a) (criminal costs fees).
- 12 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 13 (3) IC 33-37-4-4(a) (civil costs fees).
- 14 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 15 (5) IC 33-37-5-17 (deferred prosecution fees).

16 (d) The clerk of a city or town court shall distribute semiannually to
17 the auditor of state for deposit in the state user fee fund established in
18 IC 33-37-9 the following:

- 19 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
20 interdiction, and ~~corrections~~ **correction** fees collected under
21 IC 33-37-4-1(b)(5).
- 22 (2) Twenty-five percent (25%) of the alcohol and drug
23 countermeasures fees collected under IC 33-37-4-1(b)(6),
24 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 25 (3) One hundred percent (100%) of the highway work zone fees
26 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 27 (4) One hundred percent (100%) of the safe schools fee collected
28 under IC 33-37-5-18.
- 29 (5) One hundred percent (100%) of the automated record keeping
30 fee (IC 33-37-5-21).

31 (e) The clerk of a city or town court shall distribute monthly to the
32 county auditor the following:

- 33 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
34 interdiction, and ~~corrections~~ **correction** fees collected under
35 IC 33-37-4-1(b)(5).
- 36 (2) Seventy-five percent (75%) of the alcohol and drug
37 countermeasures fees collected under IC 33-37-4-1(b)(6),
38 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

39 The county auditor shall deposit fees distributed by a clerk under this
40 subsection into the county drug free community fund established under
41 IC 5-2-11.

42 (f) The clerk of a city or town court shall distribute monthly to the

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city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:

(1) The late payment fees collected under IC 33-37-5-22.

(2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

(3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The DNA sample processing fees collected under IC 33-37-5-26.2.

(3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26 as the city or town share.

(j) After December 31, 2008, the county shall deposit the distributions received under subsection (b)(1), (b)(2), and (b)(5) in the county court fund established under IC 6-1.1-18.7.

SECTION 21. IC 33-37-7-11, AS AMENDED BY P.L.174-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) This section applies to a county in which there is established a pension trust under IC 36-8-10-12.

(b) For each service of a writ, an order, a process, a notice, a tax warrant, or other paper completed by the sheriff of a county described in subsection (a), the sheriff shall submit to the county fiscal body a verified claim of service.

(c) From the county share distributed under section 4 of this chapter and deposited into:

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1 **(1) before January 1, 2009, the county general fund; and**
 2 **(2) after December 31, 2008, the county court fund established**
 3 **under IC 6-1.1-18.7;**

4 the county fiscal body shall appropriate thirteen dollars (\$13) for each
 5 verified claim submitted by the sheriff under subsection (b). Amounts
 6 appropriated under this subsection shall be deposited by the county
 7 auditor into the pension trust established under IC 36-8-10-12.

8 SECTION 22. IC 33-37-7-12, AS AMENDED BY P.L.1-2006,
 9 SECTION 513, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) Except:

11 (1) for the state share prescribed by section 2 of this chapter for
 12 semiannual distribution; and

13 (2) as provided under section 2(g) of this chapter, IC 33-32-4-6,
 14 and IC 33-37-5-2;

15 not later than thirty (30) days after the clerk collects a fee, the clerk
 16 shall forward the fee to the county auditor if the clerk is a clerk of a
 17 circuit court, and to the city or town fiscal officer if the clerk is the
 18 clerk of a city or town court.

19 (b) If part of the fee is collected on behalf of another person for
 20 service as a juror or witness, the county auditor or city or town fiscal
 21 officer shall forward that part of the fee to the person not later than
 22 forty-five (45) days after the auditor or fiscal officer receives the claim
 23 for the fee.

24 (c) ~~Except for amounts deposited in a user fee fund established~~
 25 ~~under IC 33-37-8; The county auditor shall distribute to:~~

26 **(1) the county treasurer fees that belong to the county** received
 27 from the clerk: ~~to the following: (1) The county treasurer~~

28 **(A) before January 1, 2009, for deposit in the county general**
 29 **fund, if the fee belongs to the county: except for amounts**
 30 **deposited in the county fund established under**
 31 **IC 33-37-8-5; and**

32 **(B) after December 31, 2008, for deposit in the county**
 33 **court fund established under IC 6-1.1-18.7; and**

34 (2) the fiscal officer of a city or town, if the fee belongs to the city
 35 or town under section 6 of this chapter, **except for amounts**
 36 **deposited in the city or town fund established under**
 37 **IC 33-37-8-3.**

38 (d) Except for amounts deposited in a user fee fund established
 39 under IC 33-37-8, the city or town fiscal officer shall deposit all fees
 40 received from a clerk in the city's or town's treasury.

41 (e) The clerk shall forward the state share of each fee to the state
 42 treasury at the clerk's semiannual settlement for state revenue.

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SECTION 23. IC 33-37-8-6, AS AMENDED BY P.L.176-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. (a) Upon receipt of monthly claims submitted on oath to the fiscal body, **by the county fiscal body shall do the following:**

(1) Before January 1, 2009, for a program listed in section 5(b) of this chapter, purpose served by the imposition of any of the following fees, the county fiscal body shall appropriate from the county fund ~~to the program or fund for that purpose~~ the amount collected ~~for the program from the imposition of the fee~~ under IC 33-37-5:

(A) The pretrial diversion program fee.

(B) The informal adjustment program fee.

(C) The marijuana eradication program fee.

(D) The alcohol and drug services program fee.

(E) The law enforcement continuing education program fee.

(F) The deferral program fee.

(G) The jury fee.

(H) The drug court fee.

(I) The reentry court fee.

(2) After December 31, 2008, for a purpose served by the imposition of any of the fees listed in subdivision (1), the county fiscal body shall appropriate from the county court fund established under IC 6-1.1-18.7 for that purpose the amount collected from the imposition of the fee under IC 33-37-5.

(b) Funds derived from a deferral program or a pretrial diversion program may be used only for the following purposes:

(1) Personnel expenses related to the operation of the program.

(2) Special training for:

(A) a prosecuting attorney;

(B) a deputy prosecuting attorney;

(C) support staff for a prosecuting attorney or deputy prosecuting attorney; or

(D) a law enforcement officer.

(3) Employment of a deputy prosecutor or prosecutorial support staff.

(4) Victim assistance.

(5) Electronic legal research.

(6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office

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supplies.

(7) Expenses of a criminal investigation and prosecution.

(8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:

(A) substance abuse;

(B) child abuse;

(C) domestic violence;

(D) operating while intoxicated; and

(E) juvenile delinquency.

(9) Any other purpose that benefits the office of the prosecuting attorney or law enforcement and that is agreed upon by the county fiscal body and the prosecuting attorney.

(c) Funds described in subsection (b) may be used only in accordance with guidelines adopted by the prosecuting attorneys council under IC 33-39-8-5.

SECTION 24. IC 33-37-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. (a) This section applies when a county auditor has established a pretrial diversion program fund to receive funds initially deposited:

(1) before January 1, 2009, in the county fund; and

(2) after December 31, 2008, in the county fund established under IC 6-1.1-18.7;

from the collection of the pretrial diversion program fee.

(b) Whenever a prosecuting attorney:

(1) certifies to the county fiscal body that the amount in the pretrial diversion program fund exceeds the amount needed to finance the pretrial diversion program services during the calendar year; and

(2) states the amount of the excess funds in the certification;

the fiscal body may adopt an ordinance to appropriate the excess funds from the pretrial diversion program fund to the office of the prosecuting attorney.

~~(b)~~ **(c)** Funds appropriated as described in subsection ~~(a)~~ **(b)** may be used by the office of the prosecuting attorney for any purpose specified in the appropriation ordinance adopted by the fiscal body.

~~(c)~~ **(d)** A county fiscal body may not transfer funds previously appropriated to the office of the prosecuting attorney as a result of an appropriation described in subsection ~~(a)~~ **(b)**.

SECTION 25. IC 33-37-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) A juror of a circuit, superior, county, or probate court or a member of a grand jury is entitled to the sum of the following:

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(1) An amount for mileage at the mileage rate paid to state officers and employees for each mile necessarily traveled to and from the court.

(2) Payment at the rate of:

(A) fifteen dollars (\$15) for each day the juror is in actual attendance in court until the jury is impaneled; and

(B) forty dollars (\$40) for each day the juror is in actual attendance after impaneling and until the jury is discharged.

(b) A county fiscal body may adopt an ordinance to pay ~~from county funds~~ a supplemental fee in addition to the fees prescribed by subsection (a)(2):

(1) before January 1, 2009, from the county general fund; and

(2) after December 31, 2008, from the county court fund established under IC 6-1.1-18.7.

(c) A juror of a city or town court is entitled to the sum of the following:

(1) An amount for mileage at the mileage rate paid to state officers and employees for each mile necessarily traveled to and from the court.

(2) Fifteen dollars (\$15) per day while the juror is in actual attendance.

(d) A city or town fiscal body may adopt an ordinance to pay from city or town funds a supplemental fee in addition to the fee prescribed by subsection (c)(2).

(e) For purposes of this section, a prospective juror who is summoned for jury duty and who reports to the summoning court on the day specified in the summons is in actual attendance on that day.

SECTION 26. IC 33-40-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. (a) If at any stage of a prosecution for a felony or a misdemeanor the court makes a finding of ability to pay the costs of representation under section 7 of this chapter, the court shall require payment by the person or the person's parent, if the person is a child alleged to be a delinquent child, of the following costs in addition to other costs assessed against the person:

(1) Reasonable attorney's fees if an attorney has been appointed for the person by the court.

(2) Costs incurred by the county as a result of court appointed legal services rendered to the person.

(b) The clerk of the court shall deposit costs collected under this section into:

(1) before January 1, 2009, the supplemental public defender

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services fund established under section 1 of this chapter; **and**
(2) after December 31, 2008, into the county court fund
established under IC 6-1.1-18.7.

(c) A person ordered to pay any part of the costs of representation under subsection (a) has the same rights and protections as those of other judgment debtors under the Constitution of the State of Indiana and under Indiana law.

(d) The sum of:

(1) the fee collected under IC 35-33-7-6;

(2) any amount assessed by the court under this section; and

(3) any amount ordered to be paid under IC 33-37-2-3;

may not exceed the cost of defense services rendered to the person.

SECTION 27. IC 33-40-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. Fees assessed under section 6 of this chapter shall be collected by the program providing court appointed legal services in the county. These fees shall be deposited:

(1) before January 1, 2009, in the supplemental public defender services fund established under section 1 of this chapter; and

(2) after December 31, 2008, in the county court fund established under IC 6-1.1-18.7.

SECTION 28. IC 33-40-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. (a) In a county with a population of more than four hundred thousand (400,000) and less than seven hundred thousand (700,000) in which a county public defender service is not provided, a supplemental public defender services fund must be established in each city for providing funding for a public defender to represent indigent defendants in a city court.

(b) Sections ~~2~~ 5 through 9 of this chapter apply to the locally established supplemental public defender services fund established under subsection (a). However, funds otherwise required to be delivered to the county fiscal officer for maintaining a supplemental public defender services fund under this chapter shall be deposited with the local fiscal officer.

SECTION 29. IC 33-40-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. The commission shall do the following:

(1) Make recommendations to the supreme court concerning standards for indigent defense services provided for defendants against whom the state has sought the death sentence under IC 35-50-2-9, including the following:

(A) Determining indigency and eligibility for legal

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representation.

(B) Selection and qualifications of attorneys to represent indigent defendants at public expense.

(C) Determining conflicts of interest.

(D) Investigative, clerical, and other support services necessary to provide adequate legal representation.

(2) Adopt guidelines and standards for indigent defense services under which the counties will be eligible for reimbursement under IC 33-40-6, including the following:

(A) Determining indigency and the eligibility for legal representation.

(B) The issuance and enforcement of orders requiring the defendant to pay for the costs of court appointed legal representation under IC 33-40-3.

~~(C) The use and expenditure of funds in the county supplemental public defender services fund established under IC 33-40-3-1.~~

~~(D)~~ (C) Qualifications of attorneys to represent indigent defendants at public expense.

~~(E)~~ (D) Compensation rates for salaried, contractual, and assigned counsel.

~~(F)~~ (E) Minimum and maximum caseloads of public defender offices and contract attorneys.

(3) Make recommendations concerning the delivery of indigent defense services in Indiana.

(4) Make an annual report to the governor, the general assembly, and the supreme court on the operation of the public defense fund.

The report to the general assembly under subdivision (4) must be in an electronic format under IC 5-14-6.

SECTION 30. IC 35-33-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. (a) Prior to the completion of the initial hearing, the judicial officer shall determine whether a person who requests assigned counsel is indigent. If the person is found to be indigent, the judicial officer shall assign counsel to the person.

(b) If jurisdiction over an indigent defendant is transferred to another court, the receiving court shall assign counsel immediately upon acquiring jurisdiction over the defendant.

(c) If the court finds that the person is able to pay part of the cost of representation by the assigned counsel, the court shall order the person to pay the following:

(1) For a felony action, a fee of one hundred dollars (\$100).

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(2) For a misdemeanor action, a fee of fifty dollars (\$50).
 The clerk of the court shall deposit fees collected under this subsection
 in the ~~county's supplemental public defender services~~ **county court**
 fund established under ~~IC 33-40-3-1~~ **IC 6-1.1-18.7**.

(d) The court may review the finding of indigency at any time
 during the proceedings.

SECTION 31. IC 35-33-8-3.3, AS ADDED BY P.L.173-2006,
 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JANUARY 1, 2008]: Sec. 3.3. (a) This section does not apply to a
 defendant charged in a city or town court.

(b) If a defendant who has a prior unrelated conviction for any
 offense is charged with a new offense and placed under the supervision
 of a probation officer or pretrial services agency, the court may order
 the defendant to pay the pretrial services fee prescribed under
 subsection (e) if:

- (1) the defendant has the financial ability to pay the fee; and
- (2) the court finds by clear and convincing evidence that
 supervision by a probation officer or pretrial services agency is
 necessary to ensure the:

(A) defendant's appearance in court; or

(B) physical safety of the community or of another person.

(c) If a clerk of a court collects a pretrial services fee, the clerk may
 retain not more than three percent (3%) of the fee to defray the
 administrative costs of collecting the fee. The clerk shall deposit
 amounts retained under this subsection in the clerk's record
 perpetuation fund established under IC 33-37-5-2.

(d) If a clerk of a court collects a pretrial services fee from a
 defendant, upon request of the county auditor, the clerk shall transfer
 not more than three percent (3%) of the fee to the county auditor for
 deposit in the county general fund.

(e) The court may order a defendant who is supervised by a
 probation officer or pretrial services agency and charged with an
 offense to pay:

- (1) an initial pretrial services fee of at least twenty-five dollars
 (\$25) and not more than one hundred dollars (\$100);
- (2) a monthly pretrial services fee of at least fifteen dollars (\$15)
 and not more than thirty dollars (\$30) for each month the
 defendant remains on bail and under the supervision of a
 probation officer or pretrial services agency; and
- (3) an administrative fee of one hundred dollars (\$100);

to the probation department, pretrial services agency, or clerk of the
 court if the defendant meets the conditions set forth in subsection (b).

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(f) The probation department, pretrial services agency, or clerk of the court shall collect the administrative fee under subsection (e)(3) before collecting any other fee under subsection (e). Except for the money described in subsections (c) and (d), **and except as provided in subsection (p)**, all money collected by the probation department, pretrial services agency, or clerk of the court under this section shall be transferred to the county treasurer, who shall deposit fifty percent (50%) of the money into the county supplemental adult probation services fund and fifty percent (50%) of the money into the county supplemental public defender services fund (IC 33-40-3-1). The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund:

(1) to the county, superior, or circuit court of the county that provides probation services or pretrial services to adults to supplement adult probation services or pretrial services; and

(2) to supplement the salary of:

(A) an employee of a pretrial services agency; or

(B) a probation officer in accordance with the schedule adopted by the county fiscal body under IC 36-2-16.5.

(g) The county supplemental adult probation services fund may be used only to supplement adult probation services or pretrial services and to supplement salaries for probation officers or employees of a pretrial services agency. A supplemental probation services fund may not be used to replace other probation services or pretrial services funding. Any money remaining in the fund at the end of a fiscal year does not revert to any other fund but continues in the county supplemental adult probation services fund.

(h) A defendant who is charged with more than one (1) offense and who is supervised by the probation department or pretrial services agency as a condition of bail may not be required to pay more than:

(1) one (1) initial pretrial services fee; and

(2) one (1) monthly pretrial services fee per month.

(i) A probation department or pretrial services agency may petition a court to:

(1) impose a pretrial services fee on a defendant; or

(2) increase a defendant's pretrial services fee;

if the financial ability of the defendant to pay a pretrial services fee changes while the defendant is on bail and supervised by a probation officer or pretrial services agency.

(j) An order to pay a pretrial services fee under this section:

(1) is a judgment lien that, upon the defendant's conviction:

(A) attaches to the property of the defendant;

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- 1 (B) may be perfected;
 2 (C) may be enforced to satisfy any payment that is delinquent
 3 under this section; and
 4 (D) expires;
 5 in the same manner as a judgment lien created in a civil
 6 proceeding;
 7 (2) is not discharged by the disposition of charges against the
 8 defendant or by the completion of a sentence, if any, imposed on
 9 the defendant;
 10 (3) is not discharged by the liquidation of a defendant's estate by
 11 a receiver under IC 32-30-5; and
 12 (4) is immediately terminated if a defendant is acquitted or if
 13 charges against the defendant are dropped.
 14 (k) If a court orders a defendant to pay a pretrial services fee, the
 15 court may, upon the defendant's conviction, enforce the order by
 16 garnishing the wages, salary, and other income earned by the
 17 defendant.
 18 (l) If a defendant is delinquent in paying the defendant's pretrial
 19 services fee and has never been issued a driver's license or permit, upon
 20 the defendant's conviction, the court may order the bureau of motor
 21 vehicles to not issue a driver's license or permit to the defendant until
 22 the defendant has paid the defendant's delinquent pretrial services fee.
 23 If a defendant is delinquent in paying the defendant's pretrial services
 24 fee and the defendant's driver's license or permit has been suspended
 25 or revoked, the court may order the bureau of motor vehicles to not
 26 reinstate the defendant's driver's license or permit until the defendant
 27 has paid the defendant's delinquent pretrial services fee.
 28 (m) In addition to other methods of payment allowed by law, a
 29 probation department or pretrial services agency may accept payment
 30 of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)).
 31 The liability for payment is not discharged until the probation
 32 department or pretrial services agency receives payment or credit from
 33 the institution responsible for making the payment or credit.
 34 (n) The probation department or pretrial services agency may
 35 contract with a bank or credit card vendor for acceptance of a bank or
 36 credit card. However, if there is a vendor transaction charge or discount
 37 fee, whether billed to the probation department or pretrial services
 38 agency, or charged directly to the account of the probation department
 39 or pretrial services agency, the probation department or pretrial
 40 services agency may collect a credit card service fee from the person
 41 using the bank or credit card. The fee collected under this subsection
 42 is a permitted additional charge to the fee or fees the defendant may be

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required to pay under subsection (e).

(o) The probation department or pretrial services agency shall forward a credit card service fee collected under subsection (n) to the county treasurer in accordance with subsection (f). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

(p) After December 31, 2008, all money collected under subsection (f) by the probation department, pretrial services agency, or clerk of the court under this section shall be deposited into the county court fund established under IC 6-1.1-18.7.

SECTION 32. IC 35-38-2-1, AS AMENDED BY P.L.1-2006, SECTION 529, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) Whenever it places a person on probation, the court shall:

- (1) specify in the record the conditions of the probation; and
- (2) advise the person that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(b) In addition, if the person was convicted of a felony and is placed on probation, the court shall order the person to pay to the probation department the user's fee prescribed under subsection (d). If the person was convicted of a misdemeanor, the court may order the person to pay the user's fee prescribed under subsection (e). The court may:

- (1) modify the conditions (except a fee payment may only be modified as provided in section 1.7(b) of this chapter); or
- (2) terminate the probation;

at any time. If the person commits an additional crime, the court may revoke the probation.

(c) If a clerk of a court collects a probation user's fee, the clerk:

- (1) may keep not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2; and

(2) if requested to do so by the county auditor, city fiscal officer, or town fiscal officer under clause (A), (B), or (C), transfer not more than three percent (3%) of the fee to the:

(A) county auditor, who shall deposit the money transferred under this subdivision into the county general fund;

(B) city general fund when requested by the city fiscal officer;

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1 or

2 (C) town general fund when requested by the town fiscal
3 officer.

4 (d) In addition to any other conditions of probation, the court shall
5 order each person convicted of a felony to pay:

6 (1) not less than twenty-five dollars (\$25) nor more than one
7 hundred dollars (\$100) as an initial probation user's fee;

8 (2) a monthly probation user's fee of not less than fifteen dollars
9 (\$15) nor more than thirty dollars (\$30) for each month that the
10 person remains on probation;

11 (3) the costs of the laboratory test or series of tests to detect and
12 confirm the presence of the human immunodeficiency virus (HIV)
13 antigen or antibodies to the human immunodeficiency virus (HIV)
14 if such tests are required by the court under section 2.3 of this
15 chapter;

16 (4) an alcohol abuse deterrent fee and a medical fee set by the
17 court under IC 9-30-9-8, if the court has referred the defendant to
18 an alcohol abuse deterrent program; and

19 (5) an administrative fee of one hundred dollars (\$100);

20 to either the probation department or the clerk.

21 (e) In addition to any other conditions of probation, the court may
22 order each person convicted of a misdemeanor to pay:

23 (1) not more than a fifty dollar (\$50) initial probation user's fee;

24 (2) a monthly probation user's fee of not less than ten dollars
25 (\$10) nor more than twenty dollars (\$20) for each month that the
26 person remains on probation;

27 (3) the costs of the laboratory test or series of tests to detect and
28 confirm the presence of the human immunodeficiency virus (HIV)
29 antigen or antibodies to the human immunodeficiency virus (HIV)
30 if such tests are required by the court under section 2.3 of this
31 chapter; and

32 (4) an administrative fee of fifty dollars (\$50);

33 to either the probation department or the clerk.

34 (f) The probation department or clerk shall collect the
35 administrative fees under subsections (d)(5) and (e)(4) before
36 collecting any other fee under subsection (d) or (e). **Except as**
37 **provided in subsection (n),** all money collected by the probation
38 department or the clerk under this section shall be transferred to the
39 county treasurer, who shall deposit the money into the county
40 supplemental adult probation services fund. The fiscal body of the
41 county shall appropriate money from the county supplemental adult
42 probation services fund:

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(1) to the county, superior, circuit, or municipal court of the county that provides probation services to adults to supplement adult probation services; and

(2) to supplement the salaries of probation officers in accordance with the schedule adopted by the county fiscal body under IC 36-2-16.5.

(g) The probation department or clerk shall collect the administrative fee under subsection (e)(4) before collecting any other fee under subsection (e). All money collected by the probation department or the clerk of a city or town court under this section shall be transferred to the fiscal officer of the city or town for deposit into the local supplemental adult probation services fund. The fiscal body of the city or town shall appropriate money from the local supplemental adult probation services fund to the city or town court of the city or town for the court's use in providing probation services to adults or for the court's use for other purposes as may be appropriated by the fiscal body. Money may be appropriated under this subsection only to those city or town courts that have an adult probation services program. If a city or town court does not have such a program, the money collected by the probation department must be transferred and appropriated as provided under subsection (f).

(h) Except as provided in subsection (j), the county or local supplemental adult probation services fund may be used only to supplement probation services and to supplement salaries for probation officers. A supplemental probation services fund may not be used to replace other funding of probation services. Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the county or local supplemental adult probation services fund.

(i) A person placed on probation for more than one (1) crime:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to the probation department or the clerk.

(j) This subsection applies to a city or town located in a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000). Any money remaining in the local supplemental adult probation services fund at the end of the local fiscal year may be appropriated by the city or town fiscal body to the city or town court for use by the court for purposes determined by the fiscal body.

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(k) In addition to other methods of payment allowed by law, a probation department may accept payment of fees required under this section and section 1.5 of this chapter by credit card (as defined in IC 14-11-1-7). The liability for payment is not discharged until the probation department receives payment or credit from the institution responsible for making the payment or credit.

(l) The probation department may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or charged directly to the probation department's account, the probation department may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the money the probation department is required to collect under subsection (d) or (e).

(m) The probation department shall forward the credit card service fees collected under subsection (l) to the county treasurer or city or town fiscal officer in accordance with subsection (f) or (g). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

(n) After December 31, 2008, all money collected under subsection (f) by the probation department or the clerk under this section shall be deposited into the county court fund established under IC 6-1.1-18.7.

SECTION 33. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2009]: IC 31-40-2-2; IC 31-40-2-3; IC 31-40-2-4; IC 33-37-8-2; IC 33-37-8-5; IC 33-37-8-8; IC 33-37-11; IC 33-40-3-1; IC 33-40-3-2; IC 33-40-3-3; IC 33-40-3-4.

SECTION 34. [EFFECTIVE JANUARY 1, 2008] **(a) The balances as of January 1, 2009, in:**

(1) the county fund of each county established under IC 33-37-8-5 (before its repeal by this act);
(2) the county jury pay fund of each county established under IC 33-37-11 (before its repeal by this act); and
(3) the county supplemental public defender services fund established under IC 33-40-3-1 (before its repeal by this act);
are transferred to the county court fund established under IC 6-1.1-18.7, as added by this act.

(b) This SECTION expires July 1, 2009.

SECTION 35. [EFFECTIVE JANUARY 1, 2008] **IC 6-1.1-18.7, as added by this act, applies only to property taxes first due and payable and appropriations for calendar years after December 31, 2008.**

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